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HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (S) NO. 2930 of 2007

Petitioner

Harish Bhatia, son of Late Shri S.R. Bhatia, aged about 59 years, Assistant Engineer, FOM, Sub Divisional Officer (F/M), Sub Division, Bilaspur, resident of MIG E-37, Parijat Extension, Nehru Nagar, Bilaspur.

Versus

Respondents

1. State of Chhattisgarh, through the Secretary, Water Resources Department, D.K.S. Bhawan, Mantralaya, Raipur.
2. The Engineer-in-Chief, Water Resources Department, Raipur.
3. The Chief Engineer, Mahanadi Dam Project, Water Resources Department, Raipur.
4. The Superintending Engineer, E/M Circle, Water Resources Department, Raipur.
5. Prem Prakash Ajariya, Sub-Engineer (E/M) Office of the E.E. Heavy machinery Division, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench :- Hon'ble Shri Justice **Satish K. Agnihotri**

Present :- Mr. Dinesh RK. Tiwari, Advocate for the Petitioner.
Mr. V.G. Tamaskar, Advocate for the Intervener.

ORDER
(Passed on this 10th day of May, 2007)

1. By this petition, filed under Article 226 of the Constitution of India, the petitioner impugns the order dated 3.5.2007 (Annexure P/9), whereunder the petitioner has been transferred in place of the respondent No. 5 and the respondent No. 5 has been transferred in place of the petitioner on the same capacity without change of any service condition. By the impugned order, there is no change of the place, but change of work in the same office at Bilaspur.

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The impugned order was passed in accordance with the transfer policy, after having obtained approval of the Chief Minister.

2. Learned counsel appearing for the petitioner has not raised any other ground to question the adjustment in the same office, except that the respondent no. 5, by this order, would have better responsibility.

3. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner.

4. The writ petition is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

B/